

Remarks

Claims 3, 7, 9-10, and 18 are pending. Claims 3, 7, 9, and 18 have been amended. Claim 17 has been canceled. Claims 3, 7, 9, and 18 were amended to more clearly claim what applicants consider to be their invention. Claims 3, 7, 9, and 18 have been amended to add streptavidin. Support for this amendment can be found on page 8, lines 1-19, for example. Claims 7 and 18 have been amended to recite the additional limitation that the method is not therapeutic. Support for this amendment can be found on page 9, lines 4-7, for example. No new matter is believed added.

I. Oath/Declaration

The declaration was objected to as being defective because the residence of Urszula Wojda had been altered and was not initialed or dated. A new declaration has therefore been executed and is transmitted herewith.

II. Claim Rejections- 35 U.S.C. 103(a)

Claim 17 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ulevitch *et al.* The Examiner states that Ulevitch *et al.* teach a method for coating sheep erythrocytes (E) with a lipopolysaccharide binding protein (LBP) wherein both E and LBP are linked by streptavidin. Applicants respectfully traverse. However, in an effort to expedite prosecution, claim 17 has been canceled. Withdrawal of this rejection is therefore respectfully requested.

III. Claim Rejections- 35 U.S.C. 112, First Paragraph

Claims 7 and 18 are rejected under 35 U.S.C. 112, first paragraph, allegedly because the specification, while being enabling for *in vitro* embodiments, does not reasonably provide enablement for *in vivo* methods of delivering a biologically active nucleic acid that are intended for therapeutic benefit. Examiner states that "...the instant claims read on methods of gene therapy. Gene therapy is an exceedingly complex field of endeavor, involving the recognition of a gene whose expression might be expected to alleviate some specific disease or condition, construction of a means of delivery, a vector for expression of the gene and optimization of means of delivery and expression such that the desired gene is expressed in an efficacious manner in those cells in which treatment is needed." (Page 6 of the Office Action.) Applicants respectfully traverse. Specifically, the current invention has overcome the hurdle of both targeting of cells and sufficient expression of the nucleic acid. PEI-avidin conjugates condensed DNA and transfected biotinylated hematopoietic cell lines (p. 21, line 25 to p. 22 line 6), demonstrating the delivery of a biologically active nucleic acid to the appropriate cell, thereby overcoming the hurdle described by the Examiner of "construction of a means of delivery" of the nucleic acid. Also, the transfected nucleic acid was appropriately expressed in the cells, another alleged hurdle in gene therapy. Specifically, GFP was appropriately expressed in transfected cells (p. 19, lines 8-15.) In an effort to expedite prosecution, however, claims 7 and 18 have been amended to recite that the method is not therapeutic. Applicants therefore respectfully request the withdrawal of this rejection.

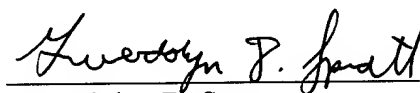
ATTORNEY DOCKET NO. 14014.0360US
Application No. 09/483,434

Pursuant to the above remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of the application to issue.

Payment in the amount of \$110.00 (Extension of Time Fee) is to be charged to a credit card and such payment is authorized by the signed, enclosed document entitled Credit Card Payment Form PTO-2038. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

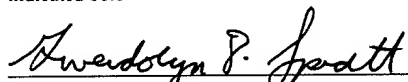

Gwendolyn D. Spratt
Registration No. 36,016

NEEDLE & ROSENBERG, P.C.
Customer Number 36339
(404) 688-0770
(404) 688-9880 (fax)

ATTORNEY DOCKET NO. 14014.0360US
Application No. 09/483,434

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Gwendolyn D. Spratt

7-21-03
Date